

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KELLY MIREE PETERSON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 15-cv-05404 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

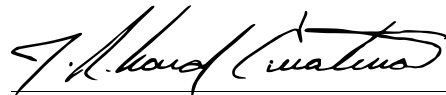
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's unopposed Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 23).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the agreement of the parties (*see* Dkt. 23), the attorney declaration and time and expense itemizations (Dkt. 23, Attachments 1, 2), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of

1 \$3,959.34 and expenses in the amount of \$20.22, for a total of \$3,979.56, shall be awarded to
2 plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010
3 U.S. LEXIS 4763 at ***6-***7 (2010).

4 The Acting Commissioner shall contact the Department of Treasury after the Order for
5 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
6 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
7 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
8 be made payable to Charles W. Talbot, Esq., based on plaintiff's assignment of these amounts to
9 plaintiff's attorney (*see* Attorney-Client Agreement Re Social Security Disability, Dkt. 23,
10 Attachment 3). If there is an offset, the remainder shall be made payable to plaintiff, based on
11 the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4).
12 Any check for EAJA fees shall be mailed to plaintiff's counsel, Charles W. Talbot, Esq., at
13 Talbot and Associates, P.S, 5005 Center Street, Suite E, Tacoma, Washington 98409.

14 Dated this 21st day of December, 2015.

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17 J. Richard Creatura
18 United States Magistrate Judge
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